

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN MICHAEL DUNNE,

Defendant.

CR 20–19–BU–DLC

ORDER

Before the Court is United States Magistrate Kathleen L. DeSoto’s Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 85.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto found, based on Mr. Dunne’s admissions at the hearing, that he violated two conditions of supervised release: the standard condition that he

follow the instructions of the probation officer related to the conditions of supervision (Standard Condition 13), and the special condition that he refrain from knowingly entering an automobile where a person possesses or is consuming alcohol (Special Condition 3). (Doc. 85 at 3.) Judge DeSoto also found that the United States did not meet its burden of establishing Violation Number 2 by a preponderance of the evidence. (*Id.*)

Judge DeSoto recommends that this Court revoke Mr. Dunne's supervised release and sentence him to a custodial sentence of twelve months, followed by no term of supervised release. (*Id.* at 4.) The Court finds no clear error in Judge DeSoto's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendations (Doc. 85) is ADOPTED in full.

Mr. Dunne shall be sentenced in conformity with Judge DeSoto's recommendation in the judgment filed concurrently with this Order.

DATED this 17th day of December, 2024.



Dana L. Christensen, District Judge
United States District Court